

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

REC'D TN
REGULATORY AUTH.

IN RE:)
)
APPLICATION OF MEMPHIS)
NETWORK, LLC FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND)
NECESSITY TO PROVIDE INTERSTATE)
TELECOMMUNICATION SERVICES)
AND JOINT PETITION OF MEMPHIS)
LIGHT, GAS & WATER DIVISION,)
A DIVISION OF THE CITY OF)
MEMPHIS, TENNESSEE ("MLG&W"))
AND A&L NETWORKS-TENNESSEE,)
LLC ("A&L") FOR APPROVAL OF)
AN AGREEMENT BETWEEN MLG&W)
AND A&L REGARDING OWNERSHIP)
OF MEMPHIS NETWORK, LLC.)

'00 JUN 12 PM 2 55

OFFICE OF THE
EXECUTIVE SECRETARY

DOCKET NO. 99-00909

**RESPONSE OF INTERVENOR INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 1288 TO OBJECTION TO
CERTAIN PRE-FILED TESTIMONY OF BRENT E. HALL ON BEHALF
OF IBEW LOCAL 1288 AND MOTION TO STRIKE**

COMES NOW the Intervenor, International Brotherhood of Electrical Workers, Local 1288 ("IBEW"), and in response to the Objection to Certain Pre-Filed Testimony of Brent E. Hall On Behalf of IBEW Local 1288 and Motion to Strike, would state as follows:

1. Applicant and Joint Petitioners object to the testimony on Pages 5-7 of Brent Hall's Pre-Filed Testimony that relates to the violation of Article 17 of the Memorandum of Understanding between MLG&W and IBEW. The objection is made that the testimony is outside the scope of the issues presented in this proceeding. IBEW respectfully submits that issues involving labor relations among IBEW, MLG&W, and the proposed joint venture impact not only the interest and legal rights of the members of IBEW, but those of the general public. The impact of this proposed venture on

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such labor relations directly involves the public good, and is thus relevant to this Docket. This testimony, therefore, is not outside the scope of the issues that should be addressed in this proceeding. Furthermore, pursuant to the Pre-hearing Officer's Order of April 25, 2000, IBEW is allowed to cross-examine any witness regarding this issue. This issue is thus relevant to this proceeding.

2. Applicant and Joint Petitioners state that, based upon the testimony of Larry Thompson, MLG&W does not believe that the Memorandum of Understanding has been violated. It is the position of the IBEW, however, that this will be the impact of the proposed joint venture. This is a question of fact. The resolution of this issue should be resolved by the Authority after hearing evidence, such as the testimony of Mr. Hall, and not by the mere allegations of Applicant and Joint Petitioner.

3. Applicant and Joint Petitioners further object to certain testimony of Mr. Hall dealing with the future intention of MLG&W with respect to similar ventures. It also objects to testimony relating to why MLG&W is going into business with an out-of-state, non-union company. They argue that any questions relating to these issues were excluded from IBEW's cross-examination of witnesses pursuant to the Pre-Hearing Officer's Order entered April 25, 2000. The Pre-Hearing Officer's Order entered May 22, 2000 expanding the intervention of the IBEW, however, does not limit the areas that IBEW is able to question its own witness on direct examination. IBEW submits that it should thus be allowed to tender the pre-filed testimony of Brent E. Hall in its entirety.

Respectfully submitted,

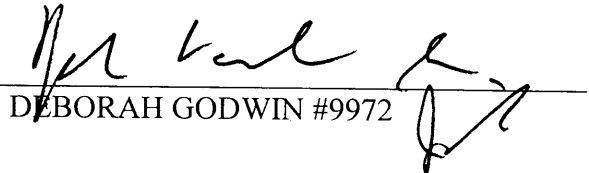
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CERTIFICATE OF SERVICE

I, Lee J. Bloomfield, do hereby certify that on June 9, 2000, a copy of the foregoing document was served on the parties of record listed below via U.S. Mail, postage prepaid, first class.

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